

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

KAYLEE THOMPSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. <u>CIV-16-875-C</u>
)	
DCW INVESTMENTS, L.L.C.,)	
)	
Defendant.)	

DEFENDANT'S NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441 *et seq.*, Defendant DCW Investments, L.L.C. d/b/a Sonic Drive-In of Piedmont ("DCW"), gives notice of the removal of this action from the District Court of Canadian County, Oklahoma to the United States District Court for the Western District of Oklahoma. Defendant removes the case without waiving, but reserving, all procedural and substantive rights and defenses. Defendant states the following in support of removal:

1. On or about June 21, 2016, Plaintiff filed her Petition against Defendant in the District Court of Canadian County, Oklahoma, captioned *Kaylee Thompson v. DCW Investments, L.L.C., d/b/a Sonic Drive-In of Piedmont*, Case No. CJ-2016-314 (the "State Court Action").
2. In her Petition, Plaintiff asserts two claims, one for sex discrimination and one for retaliation, both in violation of Title VII of the Civil Rights Act of 1964 (Petition, First and Second Causes of Action).

3. Accordingly, this Court has original federal question jurisdiction under 28 U.S.C. § 1331 because the First and Second Causes of Action in Plaintiff's Petition are based on a claims asserted under the laws of the United States of America.

4. Defendant was served with the Summons and Petition in the State Court Action on July 13, 2016. The date on or before which Defendant is required by law to remove this action under the provisions of 28 U.S.C. § 1446(b) is August 12, 2016, and this Notice of Removal is timely filed.

5. The District Court of Canadian County, Oklahoma, is located within the Western District of Oklahoma. Venue is proper in this Court because it is the "district and division embracing the place where such [state court] action is pending." 28 U.S.C. § 1441(a). This Notice of Removal is appropriately filed with the Clerk's office in Oklahoma City.

6. In accordance with 28 U.S.C. § 1446(a), a copy of the entire file in the State Court Action, including all pleadings and papers that have been filed and served on Defendant in the State Court Action, are attached to this Notice as **Exhibit 1 (Petition)**, **Exhibit 2 (Summons)**, and **Exhibit 3 (Entry of Appearance)**. Plaintiff has not served upon Defendant any other process, pleadings or orders.

7. Attached to this Notice as **Exhibit 4** is a copy of the docket sheet from the State Court Action.

8. Defendant will, promptly upon filing this Notice of Removal, give written notice to Plaintiff's counsel and will file a copy of this Notice of Removal with the District Court of Canadian County, Oklahoma, as required by 28 U.S.C. §1446(d). Attached to this Notice as **Exhibit 5** is a copy of the Notice of Defendant's Notice of Removal to Federal Court which is being filed in the District Court of Canadian County, Oklahoma.

9. Exhibits 1, 2, and 3 constitute all records and proceedings had in the State Court Action.

WHEREFORE, Defendant hereby notifies this Court, Plaintiff, and the District Court of Canadian County, Oklahoma, that the above-captioned matter has been removed to this Court.

Respectfully submitted,

/s/ J. Randall Coffey
J. Randall Coffey
FISHER & PHILLIPS LLP
4900 Main Street, Suite 650
Kansas City, MO 64112
TEL: (816) 842-8770
FAX: (816) 842-8767
Email: rcoffey@fisherphillips.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify on this 2nd day of August, 2016 that a true and correct copy of the above and foregoing DEFENDANT'S NOTICE OF REMOVAL was filed using the Court's CM/ECF system, which will automatically send notice of filing to the following:

Chris Hammons
Laird Hammons Laird, PLLC
1332 S.W. 89th Street
Oklahoma City, OK 73159
TEL: (405) 703-4567
FAX: (405) 703-4061
Email: Chris@lhllaw.com

ATTORNEYS FOR PLAINTIFF
KAYLEE THOMPSON

/s/ J. Randall Coffey
Attorney for Defendant